

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 526**

Introduced by Hilgert, 7

Read first time January 19, 1999

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to emergency medical services; to amend  
2 sections 13-303 and 35-514.02, Reissue Revised Statutes  
3 of Nebraska; to change provisions relating to contracts;  
4 to harmonize provisions; to provide an operative date; to  
5 repeal the original sections; and to declare an  
6 emergency.  
7 Be it enacted by the people of the State of Nebraska,

1                   Section 1.   Section 13-303, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   13-303.   (1) The county boards of counties and the  
4 governing bodies of cities and villages may establish an emergency  
5 medical service as a governmental service either within or without  
6 the county or municipality, ~~as the case may be,~~ as provided in  
7 this section.

8                   (2) The county board or municipal governing body may  
9 contract with any city, ~~person, firm~~ village, rural or suburban  
10 fire protection district, person, or corporation licensed as an  
11 emergency medical service for emergency medical care by  
12 out-of-hospital emergency care providers. Each may enter into an  
13 agreement with the other under the Interlocal Cooperation Act for  
14 the purpose of establishing an emergency medical service or may  
15 provide a separate service for itself. Public funds may be  
16 expended therefor, and a reasonable service fee may be charged to  
17 the user. Before any such service is established under the  
18 authority of this ~~section~~ subsection, the county board or the  
19 municipal governing ~~bodies of cities and villages~~ body shall hold a  
20 public hearing after giving at least ten days' notice thereof,  
21 which notice shall include a brief summary of the general plan for  
22 establishing such service, including an estimate of the initial  
23 cost and the possible continuing cost of operating such service.  
24 If the county board or municipal governing body after such hearing  
25 determines that an emergency medical service for emergency medical  
26 care by out-of-hospital emergency care providers is needed, it may  
27 proceed as authorized in this ~~section~~ subsection. The authority  
28 granted in this ~~section~~ subsection shall be cumulative and

1 supplementary to any existing powers heretofore granted. Any  
2 county board ~~of counties and the governing bodies of cities and~~  
3 ~~villages or municipal governing body~~ may pay ~~their~~ the cost for  
4 such service out of available general funds or may levy a tax for  
5 the purpose of providing the service, which levy shall be in  
6 addition to all other taxes and shall be in addition to  
7 restrictions on the levy of taxes provided by statute, except that  
8 when a fire district provides the service the county shall pay the  
9 cost for the county service by levying a tax on that property not  
10 in a fire district providing the service. The levy shall be  
11 subject to section 77-3443. For purposes of this subsection, (a)  
12 corporation means a corporation organized under and operating  
13 pursuant to the Nebraska Nonprofit Corporation Act and recognized  
14 as tax exempt under section 501 of the Internal Revenue Code and  
15 (b) person means an individual who is hired by the county, city, or  
16 village as a direct employee and is subject only to the county's,  
17 city's, or village's orders and direction.

18 (3)(a) The county board or municipal governing body may,  
19 by the affirmative vote of three-fourths or more of the members of  
20 such board or body, contract with any private for-profit person or  
21 corporation to provide fire service or emergency medical service,  
22 or both.

23 (b) If on the operative date of this act a county board  
24 or municipal governing body is party to a contract with a private  
25 for-profit person or corporation to provide fire service or  
26 emergency medical service, or both, within or without the county,  
27 city, or village, the authority to so contract shall expire upon  
28 the expiration of such contract unless the authority to so contract

1 is approved by the affirmative vote of three-fourths or more of the  
2 members of such board or body.

3       (4) If the county board or municipal governing body has  
4 the authority to enter into, renew, or renegotiate a contract with  
5 a private for-profit person or corporation to provide fire service  
6 or emergency medical service, or both, public funds may be expended  
7 therefor and a reasonable service fee may be charged to the user.  
8 Before a contract is entered into, renewed, or renegotiated  
9 pursuant to subsection (3) of this section, the county board or  
10 municipal governing body shall hold a public hearing after giving  
11 at least ten days' notice thereof. The notice shall include a  
12 brief summary of the general plan for providing such fire service  
13 or emergency medical service, or both, including, but not limited  
14 to, an estimate of the initial cost and the possible continuing  
15 cost of operating such service. If the county board or municipal  
16 governing body after such hearing determines that such contract  
17 with a private for-profit person or corporation to provide fire  
18 service or emergency medical service, or both, is needed, it may  
19 proceed as authorized in this subsection. The authority granted in  
20 subsection (3) of this section shall be cumulative and  
21 supplementary to any existing powers. The county board or  
22 municipal governing body may pay the cost for such service out of  
23 available general funds or may levy a tax for the purpose of  
24 providing necessary fire service or emergency medical service, or  
25 both, which levy shall be in addition to all other taxes and shall  
26 be in addition to restrictions on the levy of taxes provided by  
27 statute. The levy shall be subject to section 77-3443.

28       Sec. 2. Section 35-514.02, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           35-514.02.    (1) A rural or suburban fire protection  
3 district may establish an emergency medical service or provide fire  
4 protection service either within or without the district, may enter  
5 into agreements under the Interlocal Cooperation Act for the  
6 purpose of establishing an emergency medical service or providing  
7 fire protection service, may contract with any city, person, ~~firm~~,  
8 corporation, or other fire protection district to provide such  
9 services, may expend funds of the district, and may charge a  
10 reasonable fee to the user. Before any such services are  
11 established under the authority of this ~~section~~ subsection, the  
12 rural or suburban fire protection district shall hold a public  
13 hearing after giving at least ten days' notice, which notice shall  
14 include a brief summary of the general plan for establishing the  
15 emergency medical service or providing fire protection service,  
16 including an estimate of the initial cost and the possible  
17 continuing cost of operating the emergency medical service or fire  
18 protection service. If the board after such hearing determines  
19 that an emergency medical service or fire protection service is  
20 needed, it may proceed as authorized in this ~~section~~ subsection.  
21 The authority granted in this ~~section~~ subsection shall be  
22 cumulative and supplementary to any existing powers heretofore  
23 granted. Any fire protection district providing any service under  
24 this ~~section~~ subsection may pay the cost for the service out of  
25 available funds or may levy a tax for the purpose of supporting an  
26 emergency medical service or providing fire protection service,  
27 which levy shall be in addition to any other tax for such fire  
28 protection district and shall be subject to section 77-3443. When

1 a fire protection district levies a tax for the purpose of  
2 supporting an emergency medical service, the taxpayers of such  
3 district shall be exempt from any tax levied under section 13-303.  
4 The board of a fire protection district which provides fire  
5 protection service outside of the district may charge a political  
6 subdivision with which the district has entered into an agreement  
7 for such service on a per-call basis for such service. For  
8 purposes of this subsection, (a) corporation means a corporation  
9 organized under and operating pursuant to the Nebraska Nonprofit  
10 Corporation Act and recognized as tax exempt under section 501 of  
11 the Internal Revenue Code and (b) person means an individual who is  
12 hired by the county, city, or village as a direct employee and is  
13 subject only to the county's, city's, or village's orders and  
14 direction.

15 (2)(a) The board of directors of a rural or suburban fire  
16 protection district may, by the affirmative vote of three-fourths  
17 or more of the members of such board, contract with any private  
18 for-profit person or corporation to provide fire service or  
19 emergency medical service, or both, within the district.

20 (b) If on the operative date of this act the board of a  
21 rural or suburban fire protection district is party to a contract  
22 with a private for-profit person or corporation to provide fire  
23 service or emergency medical service, or both, within the district,  
24 the authority to so contract shall expire upon the expiration of  
25 such contract unless the authority to so contract is approved by  
26 the affirmative vote of three-fourths or more of the members of the  
27 board of the district.

28 (3) If the board has the authority to enter into, renew,

1 or renegotiate a contract with a private for-profit person or  
2 corporation to provide either fire service or emergency medical  
3 service, or both, public funds may be expended therefor and a  
4 reasonable service fee may be charged to the user. Before a  
5 contract is entered into, renewed, or renegotiated pursuant to  
6 subsection (2) of this section, the board shall hold a public  
7 hearing after giving at least ten days' notice thereof. The notice  
8 shall include a brief summary of the general plan for providing  
9 such fire service or emergency medical service, or both, including,  
10 but not limited to, an estimate of the initial cost and the  
11 possible continuing cost of operating such service. If the board  
12 after such hearing determines that such contract with a private  
13 for-profit person or corporation to provide fire service or  
14 emergency medical service, or both, is needed, it may proceed as  
15 authorized in this subsection. The authority granted in  
16 subsection (2) of this section shall be cumulative and  
17 supplementary to any existing powers. The board may pay its cost  
18 for such service out of available general funds or may levy a tax  
19 for the purpose of providing necessary fire service or emergency  
20 medical service, or both, which levy shall be in addition to all  
21 other taxes and shall be in addition to restrictions on the levy of  
22 taxes provided by statute. The levy shall be subject to section  
23 77-3443.

24           Sec. 3. This act becomes operative September 1, 1999.

25           Sec. 4. Original sections 13-303 and 35-514.02, Reissue  
26 Revised Statutes of Nebraska, are repealed.

27           Sec. 5. Since an emergency exists, this act takes effect  
28 when passed and approved according to law.